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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 BANK OF NEW YORK MELLON,

Case No. 2:17-CV-1891 JCM (VCF)

8 Plaintiff(s),

ORDER

9 v.

10 JOHN W. MANN,

11 Defendant(s).
12

13 Presently before the court is plaintiff Bank of New York Mellon's motion to expunge
14 defendant's notice of *lis pendens*. (ECF No. 15). Defendant John Mann filed a response (ECF
15 No. 16), to which plaintiff replied (ECF No. 18).

16 Also before the court is defendant's motion to strike plaintiff's motion to expunge *lis*
17 *pendens*. (ECF No. 17).

18 In an order dated August 25, 2017, the court remanded this case to state court. (ECF No.
19 14). The court is therefore without jurisdiction to consider either motion. *See Barlow v. BNC*
20 *Mortgage Inc.*, No. 3:09-cv-00677-LRH-RAM, 2011 WL 3841074, at *2 (D. Nev. Aug. 25, 2011).

21 Plaintiff's reply in support of its motion to expunge cites *Rosetto v. Wells Fargo Home*
22 *Mortg.*, No. 2:14-cv-00142-GMN-CWH, 2017 U.S. Dist. Lexis 75019, at *2 (D. Nev. May 17,
23 2017), to support its position that this court has jurisdiction to expunge the notice of *lis pendens*.
24 (ECF No. 18). *Rosetto* is factually distinguishable from the case at bar, as *Rosetto* involved
25 dismissal of an action and not a remand to state court. 2017 U.S. Dist. Lexis 75019, at *2.

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